

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

Case No. 15-20652

v.

HON. GEORGE CARAM STEEH

D-1 BILLY ARNOLD,

Defendant.

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NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by its attorneys, Matthew Schneider, United States Attorney, Christopher Graveline, Assistant United States Attorney, and Julie Finocchiaro and Justin Wechsler, Trial Attorneys – Department of Justice, pursuant to Title 18, United States Code, Section 3593(a), hereby notifies the Court and defendant Billy Arnold that, in the above-captioned case, the government believes that the circumstances of the offenses charged in Counts 4, 5, 16, and 17 of the Sixth Superseding Indictment are such that, in the event that the defendant is convicted of committing any one, combination of, or all of these offenses, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the government will seek a sentence of

death on each and all of these offenses. These offenses being: (1) murder in aid of racketeering activity, aiding and abetting, which prohibited conduct resulted in the deaths of D.P. (Count 4) and D.R.-1 (Count 16), both in violation of Title 18, United States Code, Sections 1959(a)(1) and 2; and (2) use and carry of a firearm during and in relation to a crime of violence, aiding and abetting, which prohibited conduct resulted in the death of D.P. (Count 5) and D.R.-1 (Count 17), both in violation of Title 18, United States Code, Sections 924(c); 924(j); and 2.

The government proposes to prove the following statutory factors pursuant to Title 18, United States Code, Sections 3591(a)(2) and 3592(c), as charged in the Sixth Superseding Indictment's Notice of Special Findings, hereby incorporated by reference, and non-statutory factors pursuant to Title 18, United States Code, Section 3593(a)(2), as justifying a sentence of death.

A. Applicable Statutory Proportionality Factor Under Title 18, United States Code, Section 3591(a)(2).

With regard to Counts 4, 5, 16, and 17, the United States proposes to prove that:

1. The defendant, being at the time over 18 years of age, intentionally killed the victims (18 U.S.C. § 3591(a)(2)(A));

2. The defendant, being at the time over 18 years of age, intentionally inflicted serious bodily injury that resulted in the death of the victims (18 U.S.C. §

3591(a)(2)(B));

3. The defendant, being at the time over 18 years of age, intentionally participated in acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offenses, and the victims died as a direct result of the acts (18 U.S.C. § 3591(a)(2)(C)); and

4. The defendant, being at the time over 18 years of age, intentionally and specifically engaged in one or more acts of violence knowing that the acts created a grave risk of death to a person, other than one of the participants to the offenses, such that participation in the acts constituted a reckless disregard for human life and the victims died as a direct result of the acts (18 U.S.C. § 3591(a)(2)(D)).

B. Statutory Aggravating Factors Enumerated Under Title 18, United States Code, Section 3592(c).

With regard to Counts 4, 5, 16, and 17, the United States proposes to prove:

1. **Previous Conviction of Violent Felony involving Firearm.** The defendant has been convicted previously of assault with intent to inflict great bodily harm less than murder (a 15-year state of Michigan felony) and felony firearm (a 2-year state of Michigan felony) on July 13, 2007. (18 U.S.C. § 3592(c)(2)).

2. **Grave Risk of Death to Additional Persons.** The defendant knowingly created a grave risk of death to one or more person in addition to the victims, D.P. and D.R.-1. (18 U.S.C. § 3592(c)(5)); and

3. **Multiple Killings or Attempted Killings.** The defendant attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

With regard to Counts 16 and 17, the United States proposes to prove:

Substantial Planning and Premeditation. The defendant committed the offenses after substantial planning and premeditation to cause the death of D.R.-1 (18 U.S.C. § 3592(c)(9)).

C. Non-Statutory Aggravating Factors Under Title 18, United States Code, Section 3593(a)(2).

With regard to Counts 4, 5, 16, and 17, the United States proposes to prove:

1. **Lack of Remorse.** The defendant has demonstrated a lack of remorse.
2. **Contemporaneous Conviction For Another Killing.** The defendant also participated in the killings of more than one victim and is subject to a contemporaneous conviction, as part of this case.

Respectfully submitted,

MATTHEW SCHNEIDER
UNITED STATES ATTORNEY

Dated: January 8, 2018

/s/ Christopher Graveline
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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2018, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

/s/ Christopher Graveline
Christopher Graveline (P69515)
Assistant United States Attorney